

## HALL COUNTY BOARD OF EQUALIZATION MEETING APRIL 10, 2001

The Hall County Board of Equalization met April 10, 2001 in the county board meeting room, 121 South Pine, Grand Island, Nebraska.

Members present were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Lonnie Logan. Also present was County Assessor Jan Pelland.

10:35 a.m. Logan made a motion and Arnold seconded to go into a Board of Equalization meeting. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no with Hartman absent for the vote.

PROTEST HEARINGS ON TAXABLE STATUS: Attorney Ron Depue, representing the Hall County Airport Authority, filed seventeen protests concerning the taxable status on the property that is located at the Airport. LB 271 allows government property that is not used for governmental purposes to be taxed, and LB271 also allows the property owner to protest the taxable status. Mr. Depue stated that he agrees that the rental properties are for private use and that they are only protesting properties that are used for agriculture. The Hall County Airport Authority is making a good faith attempt to enforce this legislation but there is not much guidance from Lincoln on this matter. They are only protesting the properties that are adjacent to the runways. The airport must provide an airport that is safe for air travel. Several of the grants the Airport has applied require them to sign grant assurances that regulate the use of the airport facility and restrict the use of land adjacent to the airport. Because of FAA regulations they are required to limit birds and wildlife, to protect approaches, restrict obstructions and regulate ground cover. Tracts that are adjacent to the runways or are a direct extension of the runways are in the runway protection zone. The tracts that are rented for agricultural use generate revenue to enable the airport to be as fiscally responsible as possible. The farm lease agreements that are filed with the county assessor can direct and control the tenants renting the property because all FAA rulings are enforced. The Hall County Airport Authority is asking the Board of Equalization to determine that the protested properties are exempt from taxation. Pelland stated that the leases must be reported by January 1 and the intent to tax must be completed by March 1. The property owners can protest the taxable status until April 1 and the County Board of Equalization must make a decision by May 1. The property owners can appeal to the Tax Equalization and Review Commission once the County Board makes a ruling. LB 271 requires that the tenant pay the taxes.

Jan Pelland stated she took into consideration the restrictions, the soil types, and the acre counts when setting the values. But because of the leases, she determined to pick up the property and has classified it as taxable. She discounted the value by 25% to accommodate the restrictions. It was questioned if the property that is located in the critical zone is included in the valuation.

Pelland stated she did not have a problem removing the value of any property that is located within 200 feet along or at the end of the runways. She asked if the airport could provide her with a more accurate map or with information that she could add to her map. Logan stated that it is the responsibility of the board of equalization to determine that property is valued with some sense of equity. The property is still being used for agricultural purposes and the assessor has already applied a reduction. Arnold stated that some of the land owned by schools is rented for farmland that is always rented for fair market value, but because of the restrictions to the airport property he felt it should be exempt. Eriksen stated that this is a gray area and has not been addressed before, but the County Board of Equalization must be equitable for all taxpayers. Arnold stated that he would like to see this appealed to the Tax Equalization and Review Commission for a ruling and to clarify what leasing for a public purpose includes. He stated that this property should be exempt. Hartman questioned why this tax should be passed on to the tenants. Pelland stated that the state statute requires that the tenant pay the taxes. Arnold made a motion and Lancaster seconded to exempt the property as submitted on the protests. Arnold, Humiston and Lancaster voted yes and Hartman, Jeffries, Eriksen and Logan voted no. Motion failed.

Jeffries made a motion and Logan seconded to deny the protest and tax the property as submitted on the protests. Eriksen, Hartman, Jeffries and Logan all voted yes and Arnold, Humiston and Lancaster voted no. Motion carried.

9 DISCUSS AND APPROVE CONTRACT FOR REFEREES FOR PROTESTS b. DISCUSS AND APPROVE RESOLUTION FOR REFEREES: County Assessor Jan Pelland stated that this referee agreement for services is basically the same as before and County Attorney Jerry Janulewicz has reviewed the contract. The fees were increased to \$90.00 an hour not to exceed \$720.00 per calendar day the fees have not been changed for several years. Logan made a motion and Eriksen seconded to authorize the chair to sign the contract for the referees for the 2001-protest year. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

The resolution appointing the referees was presented and Lancaster made a motion and Arnold seconded to approve Resolution # 01-0029 appointed referees for the 2001 tax assessment year. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

EXEMPTION APPLICATION FOR CRISIS CENTER AND AMERICAN RED CROSS: County Treasurer Doris Mason presented the exemption application for Crisis Center, P.O. Box 1008, Grand Island, Nebraska for a 1984 Plymouth Van to be used to transport clients. She also presented the exemption application for the American Red Cross, 404 East Third, Grand Island, Nebraska for a 1989 W-W Utility Trailer to be used to transport cost, bedding & supplies to disasters. Doris Mason recommended approval under Section 22-707 for the two exemptions. Logan made a motion and Arnold seconded to approve the exemption application for the Crisis Center for a 1984 Plymouth Van and to approve the exemption for the American Red Cross for the 1989 W-W trailer. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Logan made a motion and Jeffries seconded to go out of the Board of Equalization meeting. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Returned to regular session.

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Marla J. Conley, Hall County Clerk